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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/862,830	05/22/2001	John Gregory Schroeder	AA471	8865

27752 7590 05/06/2003

THE PROCTER & GAMBLE COMPANY
INTELLECTUAL PROPERTY DIVISION
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EXAMINER

DOUYON, LORNA M

ART UNIT	PAPER NUMBER
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1751

DATE MAILED: 05/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/862,830

Applicant(s)

SCHROEDER ET AL.

Examiner

Lorna M. Douyon

Art Unit

1751

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 February 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

Art Unit: 1751

1. This action is responsive to the amendment filed on February 21, 2003.
2. Claims 1-21 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1, 5, 6, 8, 9, 12, 13, 15, 16, 18, 19 and 21 stand indefinite in the recital of "a set of usage instructions" or "a set of personalized instructions" because it is not clear what these instructions encompass.

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 1-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Ehrlich (US Patent No. 4,099,912).

Ehrlich teaches a plurality of separate units of different detergent composition components for washing laundry, the units being of tablet, envelope, packet, capsule or other container form having a weight of 5 to 30 grams and a volume of 4 to 20 milliliters (see abstract). In Figure 1, Ehrlich teaches a dispensing article for dispensing a plurality of units of detergent components. Ehrlich also teaches that the separate components include a heavy duty detergent composition, an enzyme presoak, a fabric softening composition or a bleach, in all of which

Art Unit: 1751

various solid or liquid components can be conveniently separately packaged for admixture together of premeasured amounts in accordance with manufacturer's instructions so as to obtain the most desired effects under particular operating conditions (see col. 11, lines 42-56). Such compositions can be made with all of the component parts thereof separately packaged or packaged in subcombinations, as liquids (solutions or dispersions), powders or unitary solids. Preferably, such as a liquid is a nonionic detergent, a perfume, an aqueous solution of detergent, builder salt or other component or a mixture thereof (see col. 11, lines 56-65). In Example 3, Ehrlich teaches different detergent components wherein liquid or tacky components are packed in polyvinyl-alcohol-polyvinyl acetate copolymer water soluble thin film packets, readily disintegratable paper envelopes or gelatin capsules. The formulas of this example are packaged in cardboard dispensing cartons or plastic containers, wherein they are either intermixed or separately compartmented (see col. 14, line 55 to col. 15, line 35). Ehrlich teaches the limitations of the instant claims. Hence, Ehrlich anticipates the claims.

5. Claims 1, 4, 5, 7, 9, 11-16, 17-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Flynn.

Flynn teaches products useful for home laundering which incorporates a prespotter with a detergent and having one or more of the following separate functions: detergency, fabric softening, stain removal, bleaching, and bluing; with the advantage being that both the detergent and the prespotter are uniquely packaged together as one product (see abstract). See prespotter

Art Unit: 1751

formula III at col. 8, lines 9-13 and detergent formula I at col. 10, lines 32-41). In Figure 17, Flynn illustrates a dual chambered container for housing the product (see col. 2, lines 55-57; Figure 17). Flynn, however, fails to disclose (1) different compositions in separate composition wherein at least one is a liquid composition and (2) the dosages per container and a set of usage instructions.

With respect to difference (1), it would have been obvious to one of ordinary skill in the art at the time the invention was made to prepare a package comprising a prespotter in one chamber and liquid detergent/fabric softener in the other chamber of the dual chamber because the teachings of Flynn encompass these aspects.

With respect to difference (2) even though Flynn does not explicitly disclose the dosages per container and a set of usage instructions for his multi-functional laundry product, the Examiner takes official notice that laundry products sold in the market contain dosages per container and usage instructions.

Response to Applicants' Arguments

6. Applicants' arguments filed on February 21, 2003 have been fully considered but they are not persuasive.

With respect to the 35 USC 112, second paragraph rejection on the phrase "a set of usage instructions" and/or "a set of personalized instructions", Applicants argue that these phrases are described in the specification at page 17, line 17 to page 19, line 17 and page 19, lines 20-34.

Art Unit: 1751

Even though these phrases have been described in the specification, the claims did not include the specific instructions.

With respect to the rejection based upon Ehrlich, Applicants argue that Ehrlich does not teach a kit comprising a container containing multiple doses of composition or a container containing a liquid composition.

The Examiner respectfully disagrees with the above arguments because in Example 3, Ehrlich teaches cardboard dispensing cartons or plastic containers wherein different compositions including liquid compositions are separately compartmented (see col. 3, line 67 to col. 15, line 35).

With respect to Flynn, Applicants argue that the Flynn does not teach or suggest a kit that comprises compositions packaged in separate containers. Applicants also argue that Flynn does not teach or suggest a coordinated element as presently claimed.

The Examiner respectfully disagrees with the above arguments because even though Flynn teaches the detergent and prespotter being uniquely packaged as one container, it is very clear from Flynn that each of the detergent composition and prespotter are separately packaged as shown in the Figures. Please note that the present claims do not exclude packaging the two different compositions in one package, in fact, the present claims require that two compositions comprise a coordinated element like containers, hence, the two different compositions of Flynn are coordinated by the same container, although each is separately packaged in different chambers of the container.

Art Unit: 1751

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lorna M. Douyon whose telephone number is (703) 305-3773. The examiner can normally be reached on Mondays-Fridays from 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta, can be reached on (703) 308-4708. The fax phone number for this Technology Center is:

(703) 872-9311 - for Official After Final faxes
(703) 872-9310- for all other Official faxes.

Art Unit: 1751

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center receptionist whose telephone number is (703) 308-0661.

May 5, 2003

Lorna M. Douyon

Lorna M. Douyon
Primary Examiner
Art Unit 1751